



HOUSE OF REPRESENTATIVES

HB 2517

firearms; state preemption; penalties

Sponsors: Representatives Smith, Barton, Borrelli, et al.

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| DP | Committee on Judiciary |
| DP | Caucus and COW |
| X | As Transmitted to the Governor |
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OVERVIEW

HB 2517 makes statutory changes relating to state preemption and penalties in regard to firearms.

HISTORY

Arizona Revised Statutes (A.R.S.) § 13-3108 states that a political subdivision of this state shall not enact any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition or any firearm or ammunition components or related accessories on this state.

Currently, political subdivisions in Arizona are authorized to enact or enforce firearms and ammunition related ordinances and rules in accordance with state law, to include:

- Imposing any privilege or use tax on firearms, ammunition and component related sales, leases, rentals or proceeds and income thereof, at a rate generally applicable to other items of tangible personal property;
- Prohibiting an unaccompanied minor from knowingly possessing, carrying or transporting a firearm on public property, except as allowed by law;
- Regulating the use of land and structures, including businesses relating to firearms, ammunition or their components or a shooting range in the same manner as a commercial business.
- Regulating employees of independent contractors of the political subdivision acting within the course or scope of their employment or contract; and
- Limiting the possession and discharge of firearms in parks and preserves under specified conditions, except as allowed by law.

A.R.S. § 13-3108(I) defines *political subdivision* as a political subdivision acting in any capacity, including under police power, in a proprietary capacity or otherwise.

PROVISIONS

- States that a court shall declare invalid, any improper act, ordinance, regulation, tax or rule that violates state law concerning firearms regulated by the state and issue an injunction against the political subdivision from continuing the act or enforcing the ordinance, regulation, tax or rule.
- Excludes the defense that a political subdivision was acting in good faith or on the advice of counsel.

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- Establishes a civil penalty of up to \$5,000 for any government official or political subdivision who knowingly or wilfully commits a violation.
- States that public monies may not be used to defend or reimburse a person who knowingly or wilfully commits a violation.
- Specifies that any person who commits a violation while performing official duties is subject to termination.
- States that any person or organization that is adversely affected by an ordinance, rule, regulation, tax, measure, directive, order or policy that is in violation may file a civil action in court for declaratory relief and actual damages against the guilty political subdivision.
- Directs the court to award reasonable attorney fees, costs and actual damages up to \$100,000.
- Makes conforming changes.